

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IRA R. BANKS,
VERNA BANKS,

Plaintiffs,

v.

Case No. 20-CV-01437-JPS

US BANK TRUST ASSOCIATION,
JOHN/JAN DOE,
THE LAW OFFICE OF BEATRICE GARRETT,
BEST CARE PROPERTY MANAGEMENT,
LATOYA JAMES,
DWAYNE TURNER,
PALMERHOUSE PROPERTIES REALTY,
GRAY & END, L.L.P.,
CITI FINANCIAL MORTGAGE COMPANY, INC.,
BAY VIEW LOAN SERVING, LLC,
MILWAUKEE COMMON COUNCIL MEMBERS,
MILWAUKEE COUNTY OFFICE OF THE SHERIFF,
CITY OF MILWAUKEE POLICE DEPART. DISTRICT ONE,
OFFICER MCINNES,
OFFICER GRABONSKI,
JAN DOE,
CITY OF MILWAUKEE DEPT OF TRANSPORTATION,
and

ERIKA LEWIS,

Defendants.

**ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANT MILWAUKEE COUNTY OFFICE OF THE SHERIFF**

Defendant Milwaukee County Office of the Sheriff, by its attorneys, Milwaukee County Office of Corporation Counsel, by Assistant Corporation Counsel Kathryn M. West, answer the Complaint (ECF No. 1) as follows:

A. Statement of Claim

a. *Above named plaintiffs' Cause of Action against above named defendants show to the Court their are injury to plaintiff non reversal, Stolen property, constitutional rights violation, Due process violation, Covid-19 pandemic or coronavirus assaults. But not limited there to.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in this Paragraph, and therefore deny.

b. *Verna Banks and Ira R. Banks resident is 3321 N.21st street, Verna Banks and Johnny Banks are the owners, have live there for more than 40 years. The premises is a duplex, Johnny Banks deceased back in 6/2009.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in this Paragraph, and therefore deny.

1. *US Bank Trust National Association as Trust of American Home-wner [sic] Preservation Trust Series 2014B.*

On 6-1-2018 defendant file a lawsuit against Verna Banks and johnny Banks in state of Wisconsin Circuit Court Milwaukee County case No.2018CV004661.alleging it was the holder of a note and recorded mortgage mortgage on real Estate a true copy of the note is attached as Exhibit A ,A true copy of the mortgage is attached as Exhibit B, Defendant A,Contain 1-4 pages,Title adjustable rate note. Defendant Exhibit B Contain 1-7 pages Mortgage promise to pay \$48,400.

*Defendant complaint is a different case No.2018CV00315 from defendant Summons and complaint,Summons filed 6-6-2018 **Case No.2018CV004661** Defendant sign summons dated 6th day of June 1, 2018.,Complaint **Case No. 2018 CV00315** at page 1.Paragraph State defendant is the current holder of a certain note and Mortgage real State attached copy,s [sic] AS exhibit A.A*

True copy of mortgage is attached as Exhibit B. The documents reference, the origin of these Exhibit A- B falsely alleged is from a different court case file in 2002 by a different party see attached Verna Banks an[d] Johnny Banks Exhibit No.1- 2(a) SEE Below defendant 5-6.

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, and therefore deny.

2. *In this Case No.2018CV000315. Attorney of record Beatrice Garrett, State Bar No. 1054877 represented US Bank Trust National Assoc. Used reference documents Exhibit A an[d] B With Verna Banks an[d] Johnny Banks Signature an[d] initial, a different mortgage Financial Company Citi financial mortgage Company, Inc, back in 2002. inserted those document with US Bank Trust National Assoc. Complaint Foreclosure of mortgage, Then file a alleged default against Verna Banks An[d] Johnny Banks Demanded That Court Award the property to them because their is a principal sum of \$42,71.01 together with interest from December 2011. However Monthly payments was sent by US Mail confirmation to CITI MORTGAGE COMPANY FOR A FULL YEAR IN 2011 .See attached here Exhibit 1-2.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2, and therefore deny.

3. *BEST CARE PROPERTY MANAGEMENT, On 8-20-2020 defendant,s made a personal visit to Plaintiff resident 3321-3323 N.21st Street Milwaukee. they were not wearing face mask as required Due to COVID-19 Or Coronavinas [sic] pandemic they atated [sic] they had acquired our property, Whereas US BANK TRUST NATIONAL ASSOC. made the same claim. Again Best care property management. Gave us a paper Title Notice Terminating tenancy Pursuant to Wis. Stat §704.19 only no Court Order to evict or sheriff Notice. See Wis.Stat*

§846.16(1), 846.17. See attached hereto Exhibit 3,3(a). This is trespassing. An[d] destroying property.

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3, and therefore deny.

4. PALMERHOUSE PROPERTIES REALTY. Tatia P. Jackson came to our property at 3321-3323 N. 21st Street Milwaukee, Claim this property belong them. See attached Exhibit (4)

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4, and therefore deny.

5. GRAY & END, L.L.P Attorney Jay J. Pitner State Bar No. 1010692 represented CITI FINANCIAL MORTGAGE COMPANY, Inc., file mortgage [sic] foreclosure in 2002 case No. 02CV008833 against Johnny Banks An[d] Verna Banks attached Exhibit A & B alleging Payments were in default, These documents was transmitted to US Bank Trust National Association as Trust of American Homeowner Preservation Trust Series 2014 Plaintiff,s are suffering multitude of injurys [sic]. See attached hereto Exhibit 5,5(a),5(b).

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore deny.

6. CITI FINANCIAL MORTGAGE COMPANY, Inc., The defendant file a foreclosure of mortgage Against Johnny Banks and Verna Banks in 2007 in State Of Wisconsin Circuit Court Milwaukee County Case No. 07CV000532 Johnny Banks did a Chapter 13 Bankruptcy Verna Banks Did a Chapter 7 Bankruptcy [sic] This matter was adjudicated by the Court order CITI FINANCIAL MORTGAGE ACCEPT MONTHLY PAYMENTS IN A SINGLE PAYMENT, But establish two separate each payment under two accounts for Johnny Banks And verna Banks, Ira R. Banks was making the monthly payments out of his pocket, Several attempt have been made to

address CITIFINANCIAL SERVICING THE ACCOUNT FOR Johnny Banks and Verna Banks but fail .See attached hereto exhibit 6 – 6a

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore denies.

7. *BAY VIEW LOAN SERVING, LLC. At some point and time Citi mortgage claim they Sold Verna Banks and Johnny Banks property to Bay view Serving,the Manner each Party was serving as order by the court , have not ben [sic] documented The Chapter 13 bankruptcy [sic] johnny Banks done is still in effect.The chapter 7 Verna Banks did is still in effect,their right to force the court Judgment still stand. See attached hereto attached Exhibit 7.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7, and therefore denies.

8. *STATE OF WISCONSIN:MILWAUKEE COMMON COUNCIL MEMBERS Milele Coggs representative 53206 zip code.*

The milwaukee Common council have abandoned it,s duty and responsibility to Ira R.Banks,Verna Banks,including those in the inner City 53206 zip code.injury,s [sic] to us are due to neglet [sic].due to race,Even though they control the manner condition is getting worst. These are constitution rights violation. See attached here Exhibit 8.Constitutional duties.

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8, and therefore denies.

9. *STATE OF WISCONSIN:The Sheriff Office was involve in the sale of property in case No.2019CV004661.The sheriff is government employees,with responsibility for obtaining facts and law.They fail to apply all facts and law.*

ANSWER: Deny that the Milwaukee County Sheriff's Office is a State of Wisconsin agency; affirmatively allege that upon information and belief, the proper case number is 2018CV004661, and as to that case, admit that the Sheriff's Office, pursuant to and consistent with its statutory duties, sold the premises at issue at public auction on or about July 1, 2019; affirmatively allege that the Milwaukee County Sheriff's Office is not a legal entity "'separable from the county government which it serves and is therefore, not to subject to suit' under 42 U.S.C. § 1983." *Whiting v. Marathon County Sheriff's Dep't.*, 382 F.3d 700, 704 (7th Cir. 2004) (citing *Buchanan v. Kenosha*, 57 F. Supp. 2d 675, 678 (E.D. Wis. 1999), and should therefore be dismissed as a party defendant; denies the remaining allegations contained in paragraph 9.

10. *STATE OF WISCONSIN:City of milwaukee police dept.came to 3321 N.21 St an[d] 3323 North 21st street on 8/20/2020.handed Ira R. Banks a citation for trying to protect our property.An[d] assisted defendant to enter the property an[d] destroy property.see attached hereto Exhibit 10 an[d] 10 a.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10, and therefore denies.

11. *City Of Milwaukee police officer lewis arrived at dept. of transportation,Prohibited Ira R.Banks from replacing license for his vehicle,the officer was without authority. the officer violated Ira R.Banks Unites States Constitution right Search and Seizure. See attached hereto Exhibit 11.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11, and therefore denies.

12. *STATE OF WISCONSIN:City of milwaukee dept.of Transportation Erika Lewis refused to replacing his auto plate,s renewal has cause injury,s [sic] to plaintiff thay [sic] covers*

seversl [sic] years, ,The dept. violated Ira Banks Constitutional right to his property. se[e] attached hereto Exhibit 12.

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12, and therefore denies.

B. CLAIM OF RELIEF

1. *Hold US Bank Trust liable for filing a Fraudulent case of Foreclosure of mortgage in case No.2018CV004661 in State of Wisconsin Circuit Court Milwaukee against Verna Banks an[d] Johnny Banks property .describe as Lot 23 and 1/2 of lot 24.block 4 in wechsel subdivision of a part of the southwest 1/4 of section 7,In township 7 north Range 22 East in the City of Milwaukee County of Milwaukee Wisconsin.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, and therefore denies.

2. *Hold attorney Beatrice Garrett State Bar No.1054877 Liable for filing a complaint for US Bank Trust National association as Trustee of American Homeowner Preservation Trust Series 2014B .*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2, and therefore denies.

3. *Hold attorney Beatrice Garrett State Bar No.1054877,liable for Filing all Exhibits A-B from another case For financial gains that violated Plaintiff,s constitution rights.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3, and therefore denies.

4. *Make Restitution to verna Banks for causing hardship due race,age,and national origin under theUnited States Constitution Under the 14 amendment in the amount of three Hundred thousand,\$300,000.Dollars*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4, and therefore denies.

5. *Hold government employee for failing to follow the law and fact under search and seizure fourth amendment in each claim file in this matter.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore denies.

6. *Hold City of Milwaukee common council responsible to failing conditions in the iner [sic] city 53206 zip code, require members jointly produce programs that will greatly improve residents quality of health,life,services,and crimes reduction ad-hoc and special skills to deal with specific issues or problems. Publish their duties and responsibility to residents For accountability.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore denies.

7. *Hold defendant for property destruction ,trespassing. criminal activity,,terminate their allege owner of 3321-3323 N. 21st Street,restitution for covid-19 exposure to plaintiff,s an[d] other injury,s [sic] the court see fit to level against defendant,s.*

ANSWER: Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7, and therefore denies.

C. PUNITIVE DAMAGES

This Defendant denies that plaintiffs have stated a claim for or are entitled to any punitive damages.

AFFIRMATIVE DEFENSES

Defendant Milwaukee County Office of the Sheriff assert the following Affirmative Defenses:

- a) the Complaint, in whole or in part, fails to state a claim upon which relief may be granted against this answering Defendant;
- b) Plaintiffs are not entitled to punitive damages;
- c) Defendant is entitled to absolute immunity;
- d) Defendant is entitled to qualified immunity;
- e) Defendant at all times relevant acted in good faith and were not motivated by malice or intent to harm;
- f) As to any state law claim, Plaintiffs have failed to comply with the provisions of Wis. Stat. § 893.80;
- g) Plaintiffs may have failed to exhaust applicable administrative remedies;
- h) Plaintiff's injuries or damages, if any, were not caused by a governmental policy or practice of this Defendant;
- i) Any injuries and damages sustained by the Plaintiff, were caused in whole or in part by the acts or omissions of the Plaintiff and/or someone other than this Defendant;
- j) Any injuries or damages sustained by the Plaintiff are the result of an intervening and/or superseding cause preventing Plaintiff from obtaining a right to recovery against this Defendant;
- k) Plaintiffs may have failed to mitigate any damages;
- l) Defendant reserves the right to amend this answer to assert additional affirmative defenses, the factual basis of which may be revealed as discovery proceeds.

WHEREFORE, Defendant Milwaukee County Office of the Sheriff, respectfully requests judgment as follows:

- A. for dismissal of Plaintiffs' Complaint upon its merits;
- B. for the costs and disbursements of this action;
- C. for reasonable actual attorney's fees; and
- D. for such other relief as this court deems just and equitable.

THE DEFENDANT DEMANDS TRIAL TO A JURY.

Dated at Milwaukee, Wisconsin this 17th day of February 2021.

MARGARET C. DAUN
Milwaukee County Corporation Counsel

BY: /s/Kathryn M. West
KATHRYN M. WEST
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State Bar No. 1012476
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